

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|                           |   |                      |
|---------------------------|---|----------------------|
| JAMES ST. LOUIS,          | ) |                      |
|                           | ) |                      |
| Plaintiff,                | ) |                      |
|                           | ) |                      |
| v.                        | ) | C. A. No. 06-236-SLR |
|                           | ) |                      |
| LT. CHERYL MORRIS, et al, | ) | JURY TRIAL REQUESTED |
|                           | ) |                      |
| Defendants.               | ) |                      |

**DEFENDANTS' RESPONSE TO  
PLAINTIFF'S MOTION TO COMPEL**

Defendants hereby oppose Plaintiff's Motion to Compel [D.I. 65], and in support thereof, state as follows:

1. In this prisoner civil rights action, Plaintiff James St. Louis ("Plaintiff") claims that he was terminated from his employment in the kitchen at Delaware Correctional Center ("DCC") in retaliation for complaining about constitutional violations occurring in the kitchen. The Amended Complaint was filed on October 13, 2006. [D.I. 13].

2. In his Request for Discovery Materials [D.I. 42], Plaintiff claimed that Lt. DeJesus prepared a report regarding "solicitation from Sgt. Johnson to inmates to coerce plaintiff to end this subject matter." Plaintiff requested production of the report. Defendants responded that any such report had no relevance to Plaintiff's claims and sought discovery beyond the scope of Fed. R. Civ. P. 26. Defendants also objected to the discovery request on the grounds that any such report would be protected from discovery pursuant to 11 *Del. C.* § 4322. [D.I. 49, ¶9].

3. Plaintiff has responded to Defendants' objections to his discovery request by approaching Department of Correction personnel directly. According to his Motion to Compel, Plaintiff requested a copy of the report from Lt. DeJesus and from Michael Little, DCC's Legal Services Administrator.<sup>1</sup> Plaintiff also filed the instant Motion to Compel.

4. According to Plaintiff, in June 2006, Lt. DeJesus prepared a report concerning "solicitation of inmates to persuade plaintiff to drop his case." Although the Motion to Compel is not clear, it seems that Plaintiff is asserting he is experiencing some adverse consequences in connection with this lawsuit. Apparently, it is his position that a report allegedly prepared by Lt. DeJesus has some relevance to actions which are being taken against him.

5. This case arises from allegations of incidents that happened in the kitchen after Plaintiff reported constitutional violations. Plaintiff's claims regarding Lt. DeJesus and efforts to persuade him to drop his lawsuit have no relevance to those allegations. Plaintiff should not be permitted to use this action to obtain information which is not pertinent to his claims.

6. Further, the type of report requested by Plaintiff is confidential and protected from discovery by 11 *Del. C.* § 4322, which provides that all case records "obtained in the discharge of official duty by any member or employee of the Department [of Correction] shall be privileged and shall not be disclosed directly or indirectly to anyone other than the courts . . . , the Board of Parole, the Board of Pardons, the Attorney General and the Deputies Attorney General or others entitled by this chapter to receive such information."

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<sup>1</sup> Neither Lt. DeJesus nor Michael Little are parties to this lawsuit.

7. In short, Plaintiff is requesting production of information which has no relevance to the pending matter and which is privileged pursuant to statute. Therefore, his Motion to Compel must be denied.

WHEREFORE, Defendants respectfully request that this Court deny Plaintiff's Motion to Compel.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Eileen Kelly

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Date: September 14, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that on September 14, 2007, I electronically filed *Defendants' Response to Plaintiff's Motion to Compel* with the Clerk of Court using CM/ECF. I hereby certify that on September 14, 2007, I have mailed by United States Postal Service, the document to the following non-registered party: James St. Louis.

/s/ Eileen Kelly  
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